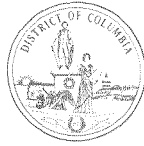


GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15157 of the National City Christian Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 508 to establish offices for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer, or similar professional persons for the construction of an office building with accessory parking as an addition to an existing church building in an SP-2 District at premises 1250 - 14th Street, N.W., (Square 212, Lot 123).

HEARING DATE: November 8, 1989 and July 18, 1990
DECISION DATE: July 18, 1990 (Bench Decision)

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of November 8, 1989. At that public hearing, counsel for the applicant requested that the public hearing on the application be postponed indefinitely to afford the applicant an opportunity to meet with the Office of Planning, the ANC and the community in order to attempt to resolve the issues and concerns expressed by those entities. The Board granted the request for postponement. The application was rescheduled for the public hearing of July 18, 1990.

2. The property is located at the southwest corner of the intersection of 14th and N Streets and is known as premises 1250 14th Street, N.W. It is zoned SP-2.

3. The property is irregular in shape with a frontage of 366 feet along 14th Street, 151 feet along N Street and 207.14 feet along Highland Terrace, which is parallel to Massachusetts Avenue, and has a total lot area of 137,771.00 square feet.

4. The property is currently improved with a surface parking lot with a capacity of approximately 65 vehicles and the landmark National City Christian Church which fronts on Thomas Circle and its accessory office building. The parking lot has previously been approved by the Board for commuter parking purposes but is now used exclusively as accessory parking for the Church. The Church was designed in the neo-classical style by John Russell Pope, was constructed in 1929, and is listed on the District of Columbia Inventory of Historic Sites and the National Register of Historic Places.

5. To the west of the subject site, across a 20 foot wide public alley are the ninety-foot high Towne Terrace East and West Condominium apartment building, both of which contain some office use on the lower levels. Southwest of the site is a 90 foot apartment building known as the Heatherington apartments. Further west, at the intersection of 15th and Massachusetts Avenue is a proposed SP office building recently approved by the Board in its Order No. 15156. On the north side of N Street are row structures and three to nine story apartment houses in the SP-2 and R-5-D Districts. South of Massachusetts Avenue is an office building containing the National Housing Center in the SP-2 District followed by the twelve-story Vista Hotel and a twelve-story office building on the south side of M Street in the C-4 District.

6. The subject site is in the broad swath of SP zoning which follows Massachusetts Avenue from Mt. Vernon Square to Dupont Circle, and lies between commercial zoning to the south and residential zoning farther to the north. Near Square 212, the SP-2 District extends 140 feet north of N Street, east to 12th Street, and south to M Street. The northwest corner of 15th and M Streets has recently been rezoned from SP-2 to C-4. West of Square 212, the area of 16th Street around Scott Circle and to the north is zoned SP-1, and 16th Street to the south is zoned SP-2. South of Square 212, across M Street, is the C-4 District, the high density commercial zone which extends into the Downtown area.

7. The area surrounding Square 212 is characterized by a wide variety of uses. Hotels within one block include the Washington Plaza, two Holiday Inns, the Vista International, the Madison and the Ramada Inn. Also located on Thomas Circle are several commercial office buildings. The National Housing Center is an SP office use, and is located directly to the south of Square 212 at 15th and M Streets. On the north side of N Street are several large apartment buildings, such as the Seville and James, both of which are 90 feet in height, and a few smaller residential buildings. Farther north of Square 212 are residential areas and the 14th Street commercial corridor. South of Square 212 are large commercial buildings representative of the high density business core, which is zoned C-4.

8. The applicant proposes to construct an SP office building on the northern portion of the lot as an addition to the existing landmark church building and its administrative office.

9. The proposed office building addition will measure ninety feet in height with approximately 139,000 square feet of gross floor area, and will provide approximately 175

parking spaces in an underground garage. The addition is connected to the church at ground level by an elevator core which will permit parishioners and church visitors to proceed directly from the proposed garage into the church.

10. The design of the proposed structure is intended to complement the surrounding structures, particularly the National City Christian Church and was reviewed by and received conceptual approval from the Historic Preservation Review Board. The applicant has agreed to modifications to the proposed design in an effort to accommodate the request of some of the neighbors of the site provided that the modified design can secure approval through the Historic Preservation Review Board process. The proposed modifications relate to the architectural design and materials of the N Street and west alley facades.

11. The development of the proposed office addition is based on a ground lease agreement between the applicant and the developer which provides that the land will continue to be owned by the applicant and that, upon termination of the lease, the improvements on the land would revert to the applicant. The applicant testified that the proposed ground lease agreement will provide much needed revenue as well as parking for parishioners and visitors to the church. The revenue realized from the agreement will permit the applicant to maintain the existing landmark church building and continue its ministries for the benefit of the community. One level of parking in the proposed addition will be reserved for the exclusive use of the church.

12. The ninety foot height of the proposed office building is consistent with other development in the square including the Heatherington to the southwest and the Towne Terrace East and Towne Terrace West buildings to the west. Development in the surrounding area includes a wide variety of buildings with a height of ninety feet includes the Seville, James and Miramar apartment buildings north of N Street, and several buildings fronting on Thomas Circle. Development in the commercial district south of Massachusetts Avenue reaches a height of 130 feet. To the north, the buildings generally drop off in height in the residential districts.

13. The use of the proposed structure for SP offices is not out of character with the existing mix of residential, hotel and office use in the area as set forth in Findings of Fact Nos. 5, 6 and 7.

14. The SP-2 District permits a maximum floor area ratio of 6.0, no more than 3.5 or 482,198.5 square feet of which may be for other than residential purposes. The floor area ratio of the proposed SP office addition is 1.0067 or

138,690 square feet. The total floor area ratio of the site including the existing church is approximately 2.88 or 396,780.48 square feet. The bulk of the nearby Towne Terrace East and Towne Terrace West buildings is 6.0 FAR. The adjacent Heatherington apartment building is developed to 5.0 FAR.

15. The applicant proposes to provide two 30 foot loading berths, two 100 square foot loading platforms, and one 20 foot service space in compliance with the requirements of the Zoning Regulations. Access to the loading berths is via the 20 foot wide public alley to the west of the site.

16. The Zoning Regulations require the applicant to provide 76 on-site parking spaces, up to 40 percent of which may be compact spaces measuring 8 x 16 feet in size. The applicant is providing 77 full size parking spaces, 15 compact parking spaces and five spaces for handicapped parking, for a total of ninety-seven on-site parking spaces for the proposed office use. One level of parking, or approximately 78 parking spaces will be devoted to the church's use.

17. The applicant's traffic engineer testified that the proposed use will not create dangerous or otherwise objectionable traffic conditions. The current site contains a parking lot with an approximate capacity of 65 vehicles. These parking spaces are used for church purposes and do not generate much traffic during peak hours. The traffic engineer estimated that the proposed development would attract approximately 94 vehicles to the site per day. Approximately 50 percent of the vehicles attracted to the site would arrive during the morning peak hour and leave during the evening peak hours, adding approximately 47 vehicles to the existing peak hour traffic along N Street.

18. N Street is one-way, eastbound and is classified as a minor collector street with a traffic flow measuring approximately 1,600 vehicles per day and approximately 55 vehicles during the morning and evening peak hours. The entrance to the proposed parking garage is from N Street approximately 150 feet west of 14th Street. The levels of service at the intersections of both 14th and N Streets and 15th and N Streets operate at an "A" level of service at all times under normal circumstances.

19. The traffic engineer testified that access to the parking garage would be inappropriate if located on 14th Street due to the proximity of Thomas Circle and potential conflicts with traffic in the Circle, the unsafe condition of left turns into the site from northbound traffic, and the fact that signaling the entrance would be impossible because of the proximity of the existing signal at the intersection of 14th and N Streets.

20. The Board waived its Rules to accept the report of the Office of Planning less than seven days prior to the public hearing. The Office of Planning, by memorandum dated July 12, 1990, recommended that the application be approved. The OP was of the opinion that the proposed development complies with the FAR, height and use requirements for an SP-2 District. The OP was further of the opinion that the design of the office building is compatible with the existing character of the area and would not create objectionable conditions.

21. The Board waived its Rules to accept the written report of Advisory Neighborhood Commission (ANC) 2C less than seven days prior to the public hearing. By letter dated July 12, 1990, the ANC supported the granting of the application subject to the following CONDITIONS:

- a. The applicant would restudy the feasibility of facade modifications. The ANC supports the facade modification to the N Street and alley facades presented by the applicant to the ANC on July 11, 1990. The ANC has no objection to the 14th Street facade.
- b. The Church parking spaces located in the north-south alley adjacent to the Towne Terrace East property affected by the prior alley closing would be blocked by the Church at its expense.
- c. The entrance to the parking garage would be secured from unauthorized entry by either (i) a manual booth at the entrance, or (ii) a security door with key or magnetic card entry for tenants and their guests.
- d. The church, upon commencement of receipt of ground rent, should have significant staff such that as a part of their job description a representative of the National City Christian Church will be responsible for responding to complaints or requests of the neighbors of the Church.
- e. The entrance to the loading area would be secured during non-business hours by either roll-down or sliding doors.
- f. Construction should not begin before 7:00 A.M. to ensure a minimal noise impact on nearby residents.
- g. Trash pick-up for the building should not be before 7:30 A.M.
- h. The structural report of the Towne Terrace East Building would be reviewed by the engineers of the

proposed building and all efforts would be made to ensure the protection of the structural integrity of the building.

22. The Department of Public Works (DPW), by memorandum dated October 30, 1989, offered no objection to the proposed development. The DPW offered no objection to the vehicular access points from N Street to serve the parking garage and loading facilities, and the pedestrian access off of 14th Street. However, the DPW discouraged the location of a second potential pedestrian entrance off of N Street. The DPW agreed with the applicant's capacity analysis and level of service calculations in the vicinity of the site.

23. Two residents of 1420 N Street, N.W. (Towne Terrace East Condominium) testified in support of the application. They noted the position of some of the neighbors that the entrance to the parking garage should be located on 14th Street as opposed to N Street. Further, they stated that the major concern of the neighbors is the additional traffic to be added to N Street. No evidence was submitted, nor studies conducted, to support the relocation of the parking entrance.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the application is a special exception. In order to receive such special exception relief, the applicant must demonstrate substantial compliance with the provisions of 11 DCMR 508 and 3108.1 and that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations.

The Board concludes that the applicant has met the requisite burden of proof. The use, height, bulk and design of the project are in harmony with the existing uses and structures on neighboring property. There are a wide variety of uses in the area including hotel, office, residential and institutional uses. Many of the nearby structures, including Towne Terrace East and Towne Terrace West are 90' feet in height with a floor area ratio of 6.0. The Board is persuaded by the traffic studies presented by the applicant that the use will not create dangerous or other objectionable traffic conditions. The Board also concludes that the proposed development is in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property. The development of a professional office building is consistent with the SP-2 District in which the site is located. The project will effectively buffer the residential areas to the north from the more dense commercial districts to the south.

The Board further concludes that it has afforded the ANC the "great weight" to which it is entitled as evidenced by the conditions hereinafter imposed by this order. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the revised plans marked as Exhibit No. 39 of the record with flexibility in the treatment of the facade design to conform to any approval of the Historic Preservation Review Board.
2. The Church parking spaces located in the north-south alley adjacent to the Towne Terrace East property affected by the prior alley closing will be blocked by the Church at its expense.
3. The entrance to the parking garage shall be secured from unauthorized entry by either (i) a manual booth at the entrance, or (ii) a security door with key or magnetic card entry for tenants and their guests.
4. The Church, upon commencement of receipt of ground rent, shall have sufficient staff such that as a part of their job description a representative of the National City Christian Church will be responsible for responding to complaints or requests of the neighbors of the Church.
5. The entrance to the loading area shall be secured during non-business hours by either roll-down or sliding doors.
6. Construction shall not begin before 7:00 A.M. to ensure a minimal noise impact on nearby residents.
7. Trash pick-up for the building shall not be before 7:30 A.M.
8. The structural report of the Towne Terrace East Building shall be reviewed by the engineers of the proposed building and all efforts shall be made to ensure the protection of the structural integrity of the building.

VOTE: 5-0 (Charles R. Norris, Maybelle Taylor Bennett, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

AUG 24 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15157order/LJP64

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15157

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated AUG 24 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY
Executive Director

DATE: AUG 24 1990